

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JESSICA M. COOTL COYOTL,) Case No. 1:17-cv-1670-MHC
)
Plaintiff,)
)
vs.)
)
JOHN F. KELLY, Secretary,)
Department of Homeland Security;)
MARK J. HAZUDA, Director, Nebraska)
Service Center, U.S. Citizenship and)
Immigration Services; JAMES)
McCAMENT, Acting Director, U.S.)
Citizenship and Immigration Services;)
THOMAS D. HOMAN, Acting Director,)
U.S. Immigration and Customs)
Enforcement; SEAN W. GALLAGHER,)
Atlanta Field Office Director, U.S.)
Immigration and Customs Enforcement.)
)
Defendants.)

**PLAINTIFF'S EMERGENCY MOTION FOR A TEMPORARY
RESTRANING ORDER AND/OR PRELIMINARY INJUNCTION AND
REQUEST TO WAIVE THE USUAL PROCEDURES**

In accordance with Rule 65 of the Federal Rules of Civil Procedure and Northern District of Georgia Local Rules 65.1 and 65.2, Plaintiff Jessica Mayeli Colotl Coyotl (“Plaintiff” or “Ms. Colotl”) respectfully moves this Court for a temporary restraining order and/or preliminary injunction temporarily enjoining Defendants’ revocation of Plaintiff’s status under the Deferred Action for Childhood Arrivals (“DACA”) program and their denial of her renewal application, such that: (1) Plaintiff’s DACA status and employment authorization are temporarily restored pending readjudication of her DACA application under the proper standard and with constitutionally adequate process; and (2) Defendants are temporarily prohibited from arresting or detaining Plaintiff pending readjudication of her DACA application.

Plaintiff further requests an expedited hearing on her motion pursuant to Local Rule 65.2, which provides that “[u]pon written motion and for good cause shown, the court may waive the time requirements of LR 7.1 and grant an immediate hearing on any matter requiring such expedited procedure.”

As set forth below and described more fully in the accompanying Memorandum of Law in Support of Plaintiff’s Emergency Motion for a Temporary Restraining Order and/or Preliminary Injunction, the Declarations of Ms. Colotl and Charles H. Kuck and the exhibits attached thereto, Plaintiff satisfies each

required element for securing a temporary restraining order and/or preliminary injunction, and has shown good cause for waiving the usual time requirements and holding an expedited hearing:

1. Ms. Colotl is likely to succeed on her claims that Defendants' sudden reversal of their longstanding position that Ms. Colotl is eligible for DACA, and their decisions to revoke her DACA status and deny her renewal application, are arbitrary and capricious and contrary to law under the Administrative Procedure Act, 5 U.S.C. § 706(2). Ms. Colotl is also likely to succeed on her claim that Defendants' failure to provide her with any notice or an opportunity to respond before terminating her DACA and denying her renewal violates her right to procedural due process under the Fifth Amendment to the U.S. Constitution.

2. Ms. Colotl is suffering irreparable harm as a result of Defendants' unlawful revocation of her DACA status and employment authorization, which strips her of her permission to remain in the country and ability to earn a living.

3. The government will not be harmed by temporarily restoring Ms. Colotl's DACA and readjudicating her application according to its own procedures and existing eligibility rules. Furthermore, the balance of hardships and public interest favor a temporary restraining order. Ms. Colotl has substantial interests at

stake, and the public interest is served when the government complies with its obligations under the APA and the Constitution.

4. Given the immediate and ongoing harm Ms. Colotl is suffering as a result of the termination of her DACA status, there is good cause to waive the time requirements of L.R. 7.1 and grant an expedited hearing on Plaintiff's motion.

For the foregoing reasons, Plaintiff respectfully requests that the Court order an expedited hearing and grant her motion for a temporary restraining order and/or preliminary injunction.

Dated: May 23, 2017

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Respectfully submitted,

/s/ Charles H. Kuck
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Attorneys for Plaintiff

*Application for admission Pro Hac Vice forthcoming

⁺ Application for admission Pro Hac Vice pending

[#]Georgia bar application pending